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August 26, 2021

VIA ECFHonorable Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201Re: *Federal Defenders of New York, Inc. v. Federal Bureau of Prisons, et al.*, No. 19-cv-00660 (E.D.N.Y.)

Dear Judge Brodie:

I write to update the Court on the parties' ongoing efforts to address several of the important issues raised in this litigation through mediation.

I. Background

I have continued to receive call and videoconference data from the parties. I continue to be in communication with the Federal Defenders, Inc. ("Plaintiff") and their

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counsel, and the government and representatives of the Metropolitan Detention Center (“MDC”) and Metropolitan Correctional Center (“MCC”).¹

My communications with the Federal Defenders and the government focused on the following topics:

1. The current status of in-person legal visitation at both institutions.
2. The execution of the current protocol for scheduling and placing attorney-client phone calls at the MDC and the MCC.

II. Telephonic Contact

The parties continue to schedule and facilitate legal phone calls under the Court Protocol for Attorney Calls and Teleconference Hearings. Pursuant to the Protocol, attorney-client calls were scheduled by Federal Defenders for afternoon slots of one-half hour each from 12pm to 3pm at the MDC and 1 to 3:30 pm at the MCC. As Your Honor is aware, the parties have also made efforts to expand legal call hours beyond the times provided in the Protocol. *See* ECF Nos. 70 & 76.

A. MCC

According to the information received from the parties, MCC scheduled 32 calls between August 19 and August 25.² 29 calls were completed, one call was attempted, one call was not completed as inmate was relocated to MDC, and one call we are unaware of its outcome.³ We are working with the parties to gather more information about this call. Additionally, Federal Defenders report some technical issues this week.

B. MDC

According to the information received from the parties, MDC scheduled 163 calls between August 19 and August 25.⁴ 135 calls were completed, one call was attempted, one call was cancelled by the MDC, one call was cancelled by the attorney, 18 calls we are unaware of their outcome,⁵ and seven calls were not completed for unknown reasons. We are working with the parties to gather more information about these calls. Federal Defenders report no call requests pending for more than 48 hours. Additionally, Federal Defenders report some technical and scheduling issues this week.

¹ I held a joint mediation call with the parties on August 24, 2021.

² We did not receive data from the MCC for Tuesday, August 24, 2021 and Wednesday, August 25, 2021.

³ We did not receive data from the MCC for Tuesday, August 24, 2021. This call was reported by the Federal Defenders but its resolution is undetermined.

⁴ We did not receive data from the MDC for Monday, August 23, 2021; Tuesday, August 24, 2021; and Wednesday, August 25, 2021.

⁵ We did not receive data from the MDC for Monday, August 23, 2021; Tuesday, August 24, 2021; and Wednesday, August 25, 2021. These calls were reported by the Federal Defenders but their resolution is undetermined.

III. Videoconferencing**A. MCC**

According to the information received from the parties, MCC scheduled 11 videoconferences between August 19 and August 25.⁶ 10 VTCs were completed and one VTC we are unaware of its outcome.⁷ We are working with the parties to gather more information about this VTC.

B. MDC

According to the information received from the parties, MDC scheduled 28 videoconferences between August 19 and August 25.⁸ 24 VTCs were completed, one VTC was rescheduled by the attorney, and three VTCs we are unaware of their outcome.⁹ We are working with the parties to gather more information about these VTCs. Federal Defenders report no VTC requests pending for more than 48 hours. Additionally, Federal Defenders report some privacy issues this week.

IV. In Person Visiting

I continue to work with the parties in mediation on issues concerning the smooth facilitation of in person visiting. We are also discussing potential issues arising from the anticipated increase in court activity this fall.

Respectfully,

/s/ Loretta E. Lynch
Loretta E. Lynch

cc: Sean Hecker, Kaplan, Hecker & Fink
Seth D. Eichenholtz, U.S. Attorney's Office (E.D.N.Y.)
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David Jones, U.S. Attorney's Office (S.D.N.Y.)

⁶ We did not receive data from the MCC for Tuesday, August 24, 2021 and Wednesday, August 25, 2021.

⁷ We did not receive data from the MCC for Tuesday, August 24, 2021. This VTC was reported by the Federal Defenders but its resolution is undetermined.

⁸ We did not receive data from the MDC for Monday, August 23, 2021; Tuesday, August 24, 2021; and Wednesday, August 25, 2021.

⁹ We did not receive data from the MDC for Monday, August 23, 2021; Tuesday, August 24, 2021; and Wednesday, August 25, 2021. These VTCs were reported by the Federal Defenders but their resolution is undetermined.